

SENATE BILL 13

D3

(PRE-FILED)

0lr0335

CF 0lr0333

By: **Senator Raskin**

Requested: July 13, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Proceedings – Foreign Defamation Judgments – Enforceability and**
3 **Bases of Personal Jurisdiction**

4 FOR the purpose of authorizing a court in this State to exercise personal jurisdiction
5 for certain purposes and under certain circumstances over a certain person who
6 obtains a certain foreign defamation judgment; establishing that a certain
7 foreign defamation judgment need not be recognized in this State unless a
8 certain court makes a certain finding; and generally relating to enforceability of
9 certain foreign judgments and personal jurisdiction over certain persons who
10 obtain certain foreign judgments.

11 BY adding to
12 Article – Courts and Judicial Proceedings
13 Section 6–103.3
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2009 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Courts and Judicial Proceedings
18 Section 10–704
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2009 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Courts and Judicial Proceedings**

24 **6–103.3.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 A COURT MAY EXERCISE PERSONAL JURISDICTION, TO THE FULLEST
2 EXTENT PERMITTED BY THE UNITED STATES CONSTITUTION, OVER ANY
3 PERSON WHO OBTAINS A JUDGMENT IN A DEFAMATION PROCEEDING OUTSIDE
4 THE UNITED STATES AGAINST ANY PERSON WHO IS A RESIDENT OF THIS STATE
5 OR IS OTHERWISE SUBJECT TO JURISDICTION IN THIS STATE FOR THE PURPOSE
6 OF PROVIDING DECLARATORY RELIEF WITH RESPECT TO THAT PERSON'S
7 LIABILITY FOR THE JUDGMENT OR DETERMINING WHETHER THE JUDGMENT
8 SHOULD NOT BE RECOGNIZED UNDER § 10-704 OF THIS ARTICLE IF:

9 (1) THE PUBLICATION AT ISSUE WAS PUBLISHED IN THIS STATE;
10 AND

11 (2) THE RESIDENT OR PERSON SUBJECT TO JURISDICTION IN
12 THIS STATE:

13 (I) HAS ASSETS IN THIS STATE THAT MIGHT BE USED TO
14 SATISFY THE FOREIGN DEFAMATION JUDGMENT; OR

15 (II) MAY HAVE TO TAKE ACTIONS IN THIS STATE TO COMPLY
16 WITH THE FOREIGN DEFAMATION JUDGMENT.

17 10-704.

18 (a) A foreign judgment is not conclusive if:

19 (1) The judgment was rendered under a system which does not provide
20 impartial tribunals or procedures compatible with the requirements of due process of
21 law;

22 (2) The foreign court did not have personal jurisdiction over the
23 defendant;

24 (3) The foreign court did not have jurisdiction over the subject matter;
25 or

26 (4) The judgment was obtained by fraud.

27 (b) A foreign judgment need not be recognized if:

28 (1) The defendant in the proceedings in the foreign court did not
29 receive notice of the proceedings in sufficient time to enable him to defend;

30 (2) The cause of action on which the judgment is based is repugnant to
31 the public policy of the State;

1 (3) The judgment conflicts with another final and conclusive
2 judgment;

3 (4) The proceeding in the foreign court was contrary to an agreement
4 between the parties under which the dispute was to be settled out of court; [or]

5 (5) In the case of jurisdiction based only on personal service, the
6 foreign court was a seriously inconvenient forum for the trial of the action; OR

7 **(6) THE CAUSE OF ACTION RESULTED IN A DEFAMATION**
8 **JUDGMENT OBTAINED IN A JURISDICTION OUTSIDE THE UNITED STATES,**
9 **UNLESS THE COURT BEFORE WHICH THE MATTER IS BROUGHT IN THIS STATE**
10 **FIRST DETERMINES THAT THE DEFAMATION LAW APPLIED IN THE FOREIGN**
11 **JURISDICTION PROVIDES FOR AT LEAST AS MUCH PROTECTION FOR FREEDOM**
12 **OF SPEECH AND THE PRESS AS IS PROVIDED BY BOTH THE UNITED STATES**
13 **CONSTITUTION AND THE MARYLAND CONSTITUTION.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2010.